

____ JOINT RESOLUTION NO. ____

INTRODUCED BY _____
(Primary Sponsor)

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA STRONGLY URGING THE UNITED STATES CONGRESS TO AMEND THE FEDERAL FOOD, DRUG, AND COSMETIC ACT TO ALLOW THE REIMPORTATION OF AMERICAN-MADE PRESCRIPTION DRUGS FROM CANADA.

WHEREAS, there is evidence that the cost of prescription drugs in the United States is the highest in the world, and there is also evidence that the cost of the 50 drugs most commonly used by American senior citizens rose 3.4 times faster than the rate of inflation in 2002; and

WHEREAS, one of the solutions to the problem of increasing prices for prescription drugs is the reimportation of American-made prescription drugs from Canada because the price of Canadian-sold prescription drugs made in the United States is 30% to 90% cheaper than in the U.S.; and

WHEREAS, it is illegal under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 through 397, for anyone except the original manufacturer of a prescription drug to reimport that drug into the United States from Canada; and

WHEREAS, there is evidence that between 1 million and 10 million Americans now regularly reimport their prescription drugs from Canada, even though it is illegal to do so under 21 U.S.C. 381(d)(1); and

WHEREAS, the U.S. Food and Drug Administration and American pharmaceutical manufacturers have been unable to show even one case in which an American-made prescription drug reimported from Canada has led to the illness or death of the person who took the drug; and

WHEREAS, Dr. Peter Rost, a vice president of the pharmaceutical manufacturer Pfizer, made national headlines in September 2004 by stating at a press conference in Winnipeg that "Drugs from Canada are absolutely, positively safe" and that multinational pharmaceutical firms are using safety to disguise their real motive of protecting profits; and

WHEREAS, because of the safety and low cost of reimporting American-made prescription drugs from Canada, 15 states and 7 cities now have plans or existing programs, many of them Internet-based, to assist consumers with the reimportation of American-made prescription drugs, the states being Connecticut, Illinois, Iowa, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, North Dakota, Ohio, Oregon, Rhode

1 Island, Vermont, Washington, and Wisconsin; and

2 WHEREAS, the U.S. House of Representatives has passed legislation to allow reimportation of
3 American-made prescription drugs from Canada on an individual basis, and Representative Byron Dorgan of
4 North Dakota and Senator Olympia Snowe of Maine have sponsored legislation to permit reimporting of
5 prescription drugs from Canada, and Senators Trent Lott and Bill Frist and 23 members of the House of
6 Representatives have also agreed to support similar federal legislation; and

7 WHEREAS, section 1121 of the Medicare Prescription Drug, Improvement, and Modernization Act of
8 2003, 21 U.S.C. 384(l)(1), provides that persons in the United States may reimport drugs from Canada if the
9 Secretary of Health and Human Services certified the safety of the imported drugs, but the Secretary has so far
10 withheld certification; and

11 WHEREAS, is it therefore appropriate and timely to request the U.S. Congress to lift the restrictions in
12 U.S. law that prohibit a person from reimporting American-made drugs from Canada and to allow the
13 reimportation of American-made prescription drugs from Canada with appropriate legal safeguards.

14
15 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
16 THE STATE OF MONTANA:

17 That the Legislature of the State of Montana strongly urge the members of the U.S. Congress to
18 expeditiously amend the federal Food, Drug, and Cosmetic Act by passing legislation that would allow
19 businesses and individuals to reimport prescription drugs made in the United States back into the United States;
20 and

21 BE IT FURTHER RESOLVED, that any legislation allowing reimporting of American-made prescription
22 drugs from Canada require that the sending pharmacy register with the U.S. Food and Drug Administration and
23 that any sending pharmacy agree to abide by those reasonable regulations of the U.S. Food and Drug
24 Administration designed to help ensure the safety of the reimported American-made drugs that are not already
25 enforced through analogous Canadian laws and analogous regulations of Health Canada.

26 BE IT FURTHER RESOLVED, that the Secretary of State transmit a copy of this resolution to the
27 President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of
28 Representatives, and the members of Montana's Congressional Delegation.

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